

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
NORTHERN DIVISION

CHRISTOPHER EVERETT  
ADC #152664

PLAINTIFF

v. No. 3:20-cv-228-DPM-JJV

IAN WARD, Sergeant, North  
Central Unit; NURZUHAL  
FAUST, Warden, ADC; and  
DEXTER PAYNE, Director, ADC

DEFENDANTS

ORDER

On *de novo* review, the Court adopts Magistrate Judge Volpe's partial recommendation, *Doc. 21*, and overrules Payne's objections, *Doc. 22*. FED. R. CIV. P. 72(b)(3). The Court agrees that invoking Payne's title was sufficient.

In his objections, Payne argues that Everett didn't give enough specifics about dates, incidents, and issue as to Payne. If the prison believed that it didn't have enough information to investigate Everett's grievance, though, then it could have rejected the grievance on that basis or explicitly noted that it was only reaching the allegations against Ward. Instead, it denied Everett's grievance on the merits without carving out any issues that it wasn't reaching. The prison can't now avail itself of a procedural flaw that it previously disregarded. *Hammett v. Cofield*, 681 F.3d 945, 947-48 (8th Cir. 2012). Payne's

motion for partial summary judgment and supplement, *Doc. 16 & 20*, are denied.

So Ordered.

D.P. Marshall Jr.  
D.P. Marshall Jr.  
United States District Judge

18 December 2020